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Client Ref: RP-00257-US2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BILEK et al.

Serial No.: 09/961,338

Filed: September 25, 2001

For: **MODULAR ENGINE FAMILY**

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)
) Confirmation No.: 5898
)
) Art Unit: 3747
)
) Examiner: HARRIS, Katrina
)
)

October 6, 2003

RESPONSE TO REQUIREMENT
FOR ELECTION OF SPECIES

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Requirement for Election of Species mailed on September 5, 2003, the date for response to which is October 6, 2003, due to the intervening weekend.

I. Election Requirement

The Election Requirement required election under 35 U.S.C. § 121 between the Examiner's identification of the following distinct species of the invention: (1) Figure 4, and (2) Figure 6.

In response to the Election Requirement, Applicants hereby elect the species illustrated by Figure 4. Further, Applicants submit that at least the following pending claims are readable on the species of Figure 4: Claims 1-72.

II. Generic Claims

Applicants submit, without prejudice, that at least Claims 1, 9, 17, 33, 41, 49, 57, and 65 are generic to the embodiments described in the instant application.

III Traversal

Respectfully, the Applicants traverse the Requirement for Election of Species, not on the grounds that the species are not patentably distinct, but on the grounds that the two species selected by the Examiner are both single cylinder engines. Accordingly, for purposes of the instant application, the Examiner's distinction between Figures 4 and 6 does not appear to be proper.

Claims 1-8 are directed to a modular family of internal combustion engines, including, for example, single cylinder engines. Claims 9-16 are directed to an engine from a modular family of engines, which encompass, among others, a single cylinder engine. Claims 17-32 combine a method of manufacturing a modular family of internal combustion engines, which includes a single cylinder engine, in addition to others. Claims 33-40 are directed to one from a family of recreational vehicles incorporating one from a family of engines including, among others, a single cylinder engine. Claims 41-48 recite a family of recreational vehicles sharing a modular family of internal combustion engines which encompass single cylinder engines. Claims 49-56 are directed to a method for manufacturing one from a family of recreational vehicles sharing a family of internal

combustion engines, which encompasses single cylinder engines, among others. Claims 57-64 are directed to a method for manufacturing a family of recreational vehicles sharing a family of internal combustion engines, which comprise a single cylinder engine, among others. Claims 65-72 are directed to a method for reducing a number of unique components required for manufacturing a family of recreational vehicles sharing a family of internal combustion engines encompassing a single cylinder engine, among others. Each group of claims, therefore, encompasses the single cylinder engine depicted in Figure 4. As a result, claims 1-72 read on the elected species.

If there are any fees required for the submission of this Response that are not otherwise accounted for, please charge Deposit Account No. 03-3975 and refer to Invoice No. 086166/0265231.

Respectfully submitted,

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